

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 98 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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LILA MASRI

Versus

STATE OF GUJARAT

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Appearance:

MS SUBHADRA G PATEL for Petitioner  
MR MR ANAND, PP with MR ND GOHIL, APPP for  
Respondents.

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 18/02/97

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. M.R. Anand,  
Ld. P.P. with Mr. N.D.Gohil, Ld. A.P.P. for the  
respondents.

2. Following order of the Division Bench of this  
Court (Coram : M.B. Shah and D.H. Nasir, JJ., as Their

Lordships then were) rendered on 31/3/1995 in Special Criminal Application No. 81 of 1995 (Criminal No. 1989 of 1995) has been canvassed on behalf of the respondents :-

"Considering the facts stated in this application and the order dated 28/7/1994, in Special Criminal Application No. 1088 of 1994, passed by the Division Bench of this Court (Coram : K.J. Vaidya & B.J. Shethna, JJ) the I.G. Prisons and the State Government, are directed not to grant any parole to respondents no. 1 to 4, without verifying the facts stated by the applicant of the present application and without obtaining the opinion of the D.S.P. Porbandar who shall see that the statement of the applicant Mer Arajan Leva is recorded before submitting such opinion. With the above directions, this application stands disposed of. Notice discharged."

3. Short grievance made on behalf of the petitioner is that the statement of Mer Arajan Leva (the applicant in the aforesaid Special Criminal Application) has not been recorded. Therefore, whatever order is required to be passed is to be passed after recording his statement.

4. Following direction is, therefore, issued bearing in mind the facts of the present case :-

The concerned authority of the respondents shall follow the aforesaid order of division bench inter-alia saying about recording of the statement of Mer Arajan Leva (the applicant of the Special Criminal Application) before passing the order of parole or furlough as the case may be. The petitioner's application shall be accordingly reconsidered in accordance with law as expeditiously as possible.

Subject to what is stated above, rule is discharged.

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